

04-0001-HO

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of:

KRISTINE M. WELLS
Holder of Pharmacist License
No.11976
Respondent

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND BOARD ORDER
NO. 2004-01-PHR**

DIRECTED TO: KRISTINE M. WELLS
22728 N. 74th Lane
Glendale, Arizona 85310

Pursuant to Notice of Hearing Number 2004-001-PHR ("Notice") this matter came before the Arizona State Board of Pharmacy ("Board") on March 18, 2004.

Dennis K. McAllister, president, presided with members Bryan K. Tippet, Linda McCoy, Chuck Dutcher and William E. Jones in attendance.

The State was represented by the Office of the Attorney General, Roberto Pulver, Assistant Attorney General, Licensing and Enforcement Section, while Christine Cassetta, Assistant Attorney General, Solicitor General and Opinions Section, represented the Board.

The respondent KRISTINE M. WELLS (Respondent) was present and was not represented by counsel.

The Board, after consideration of the evidence and testimony presented, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

I

The evidence and testimony presented in this matter sustained the factual allegations in Paragraph IV of the Notice. The Board finds that:

1. Under A.R.S. § 32-1904, the Board is created and empowered to administer the laws of the State of Arizona relating to the practice of pharmacy and the supplying of drugs, devices, poisons or hazardous substances.

2. Under A.R.S. § 32-1922, KRISTINE M. WELLS ("Respondent"), is the holder of

1 Pharmacist License Number 11976, which allows her to engage in the practice of pharmacy in the state
2 of Arizona.

3 3. Respondent is the holder of License No. 11976 for the practice of pharmacy in the State
4 of Arizona.

5 4. On February 19, 2002, Respondent signed a Pharmacists Assisting Pharmacists of Arizona
6 ("PAPA") contract that required her to complete Valley Hope's outpatient treatment program, attend
7 three (3) self-help meetings per week, submit twenty-four (24) random urine screens per year and attend
8 weekly peer group counseling sessions.

9 5. On March 5, 2002, Respondent contacted the PAPA office to report that she had relapsed.
10 The Respondent was advised by the PAPA staff to admit herself to Valley Hope Treatment Center as an
11 inpatient. Respondent entered and completed the inpatient treatment program.

12 6. On April 9, 2002, Respondent signed a new PAPA contract that required her to attend
13 three (3) self-help meetings per week, submit twenty-four (24) random urine screens per month, attend
14 weekly peer group counseling sessions.

15 7. On April 15, 2002, Respondent was scheduled to have a random urine screen and she did
16 not show up for the appointment in violation of the contract.

17 8. On July 5, 2002, the Respondent was scheduled to have a random urine screen and she did
18 not show up for the appointment in violation of the contract.

19 9. On July 18, 2002, Respondent was called for a random urine screen and tested positive for
20 phenobarbital in violation of the contract. The positive result was confirmed by a Medical Review Officer.

21 10. On July, 25, 2002, Respondent's PAPA contract was terminated.

22 11. On November 25, 2002, Respondent signed a PAPA contract that required her to attend
23 three (3) self-help meetings per week, submit twenty-four (24) random urine screens per year, attend
24 private counseling sessions with Val Draskovich, and attend weekly group counseling sessions with Dr.
25 Michel Sucher. The contract also required that monthly reports from Val Draskovich and Dr. Sucher be
26 sent to the PAPA office.

1 12. The contract required the Respondent to pay all fees associated with the contract. The
2 contract stated, in pertinent part, "I am solely responsible for paying all expenses connected with my
3 treatment in the PAPA program. I agree to pay these expenses and costs within ten (10) days of billing
4 by PAPA unless other arrangements have been approved in advance."

5 13. On November 25, 2002, Respondent signed and entered into a consent agreement with
6 the Board. A material condition of the consent agreement was that the respondent contract with PAPA
7 for substance abuse treatment. Further, the consent agreement requires Respondent to comply with all
8 terms and conditions of the PAPA program as stated in the PAPA contract. Respondent's failure to
9 comply with the terms and conditions of the of the PAPA program is a violation of the consent agreement.

10 14. On November 25, 2002, the Board adopted and the Executive Director signed the
11 consent agreement, thereby rendering the consent agreement effective.

12 15. As of February 4, 2003, Respondent failed to provide urine screens and attend required
13 counseling sessions with Val Draskovich or Dr. Sucher in violation of the PAPA contract, which is a
14 violation of the consent agreement.

15 16. On February 4, 2003, Respondent's November 25, 2002 PAPA contract was terminated.

16 17. On April 22, 2003, Respondent signed another PAPA contract that required her to attend
17 three (3) self-help meetings per week, submit twenty-four (24) random urine screens per year and attend
18 weekly peer group counseling sessions. The contract also required her to pay all fees associated with the
19 contract.

20 18. On July 5, 2003, Respondent did not attend a weekly peer group meeting or her
21 appointment for a random urine screen in violation of the contract and the consent agreemenet.

22 19. On August 18, 2003, Respondent did not attend a weekly peer group meeting in violation
23 of the contract. On August 19, 2003, the PAPA staff discussed with the Respondent the issue of missing
24 group meetings and PAPA's Clinical Director recommended that she see a private counselor.

25 20. As of September 8, 2003, Respondent had not attended any peer group counseling sessions
26 and had not turned in any meeting sheets since June 2003 in violation of the contract. Respondent also

1 never verified that she contacted the private counselor as recommended.

2 21. On October 1, 2003, Respondent was scheduled to have a random urine screen and she
3 did not show up for the appointment and still had not turned in any meeting sheets since June 2003 in
4 violation of the contract and the consent agreement.

5 22. On October 23, 2003, Respondent met with the PAPA Steering Committee and admitted
6 that she had not been attending self-help meetings.

7 23. On November 3, 2003, Respondent did not attend a weekly peer group meeting in
8 violation of the contract and the consent agreement.

9 24. On November 4, 2003, Respondent called the PAPA office to state that she did not want
10 to be in the PAPA program, the PAPA representative asked the Respondent to put her request in writing,
11 and the Respondent called back to state that she did want to be in the PAPA program.

12 25. On November 17, 2003, Respondent signed an addendum to the contract that required her
13 to attend counseling with Mary Dash and informed her that her contract would be terminated and the
14 Board would be notified if she failed to attend another urine screen or peer group counseling session
15 without prior approval to do so.

16 26. On December 1, 2003, Respondent did not attend a weekly peer group meeting in violation
17 of the contract and the consent agreement.

18 27. On December 8, 2003, Respondent was scheduled to meet with PAPA's Clinical Director
19 to discuss the reason for missing the group meeting and she did not show up for the appointment.

20 28. On December 11, 2003, Respondent's PAPA April 22, 2003 contract was terminated due
21 to her noncompliance.

22 29. To date, the respondent has failed to pay any and all fees associated with the PAPA
23 contract; a total of nine hundred and ninety dollars (\$990.00).

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1 CONCLUSIONS OF LAW

2 II

3 1. The conduct and circumstances described in paragraphs five (5) through twenty-nine (29)
4 above constitute grounds for disciplinary action as defined in A.R.S. § 32-1927(A)(17), to wit:

5 The licensee violated a formal order, terms of probation, a consent agreement or a stipulation
6 issued or entered into by the board or its executive director pursuant to this chapter.

7 2. A.R.S. § 32-1927(A)(17) provides that the license of any pharmacist may be revoked by
8 the board if the licensee violates a formal order, terms of probation, a consent agreement or a stipulation
9 issued or entered into by the board or its executive director.

10 ORDER

11 III

12 Based on the Findings of Fact and Conclusions of Law, it is ordered that:

13 1. Respondent pay any and all fees associated with the PAPA contract as required by the Consent
14 Agreement between the Board and Respondent dated November 25, 2002; and

15 2. Pharmacist license Number 11976 issued to KRISTINE M. WELLS is hereby REVOKED.

16 NOTICE OF IMMEDIATE EFFECTIVENESS

17 IV

18 The Board finds that the immediate effectiveness of this Order is necessary for the immediate
19 preservation of the public peace, health and safety and that a rehearing of the decision is impracticable.
20 Arizona Administrative Code R4-23-109(D)(7).

21 Respondent is hereby notified that she has exhausted her administrative remedies. Respondent is
22 advised that an appeal to superior court in Maricopa County may be taken from this decision pursuant to
23 title 12, chapter 7, article 6.

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DATED this 19th day of March, 2004

ARIZONA STATE BOARD OF PHARMACY

SEAL

By Hal Wand
Hal Wand
Executive Director

Copies of the foregoing Findings of Fact, Conclusions of Law and Board Order sent by Certified Mail this 22nd day of March, 2004 to:

KRISTINE M. WELLS
22728 N. 74th Lane
Glendale, Arizona 85310

and by Courier Mail to:

Roberto Pulver
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorney for the State

and

Victoria Mangiapane
Assistant Attorney General
Solicitor General's Office
1275 W. Washington
Phoenix, AZ 85007

COMPLETE THIS SECTION ON DELIVERY	
A. Signature <input checked="" type="checkbox"/> Sue Born	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) Sue Born	C. Date of Delivery 3/23/04
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

RECEIVED
ARIZONA STATE BOARD
OF PHARMACY
MAR 26 11 23 AM '04

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Kristine M. Wells
22728 N 74th Lane
Glendale AZ 85310

2. Article Number
(Transfer from service label) 7000 1670 0006 4396 2795

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

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Investigation Case Number 2004-01-PHR

AMENDED ORDER TO REINSTATE LICENSE AND PROBATION

Respondent

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1 5. Respondent shall not serve as a preceptor pharmacist or pharmacist-in-charge
2 throughout the term of her **PROBATION**.

3 6. Respondent is required to advise the Board immediately of any change in pharmacy
4 employment status throughout the term of her **PROBATION**.

5 7. Respondent is required to furnish all pharmacy employers with a copy of this Board
6 Order throughout the term of her **PROBATION**.

7 8. Respondent shall furnish the Board with a list of all jurisdictions in which she maintains
8 or has maintained licensure in the profession of pharmacy along with the registration number of these
9 licenses.

10 9. Respondent shall pay all fees and complete all continuing education requirements
11 throughout the term of her **PROBATION** to maintain Pharmacist License No. 11976.

12 10. Respondent shall obey all federal and state laws and rules governing the practice of
13 pharmacy.

14 11. Respondent shall appear in person before the Board to respond to questions or concerns
15 about her compliance with this Order when requested by the Board.

16 12. If Respondent violates this Order in any way or fails to fulfill the requirements of this
17 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke,
18 suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing
19 will be limited solely to whether this Order has been violated.

20 13. Respondent shall appear before the Board at a regularly scheduled Board meeting on or
21 after November 16th, 2010 to request that the probation imposed by this Order be terminated.
22 Respondent's failure to petition the Board to terminate the **PROBATION** shall extend the
23 **PROBATION** period.
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3 DATED and EFFECTIVE this 16th day of November, 2005

4 ARIZONA STATE BOARD OF PHARMACY

5
6 By: 

7 Hal Wand, R.Ph.
8 Executive Director
9 Arizona State Board of Pharmacy

10 ORIGINAL of the foregoing, fully executed,
11 filed this 5th day of December, 2005, with:

12 Arizona State Board of Pharmacy
13 4425 W. Olive Avenue, #140
14 Glendale, Arizona 85302

15 Fully Executed Copy of the foregoing sent
16 via Certified US mail this 5th day of
17 December, 2005 to:

7002 2030 0003 4785- 7994

18 Kristine M. Wells, R.Ph.
19 ~~7701 W. St. John Rd. #1182~~ 22728 N. 74th Lane
20 Glendale, Arizona 85308 85310

21 Copy or the foregoing mailed
22 this 5th day of December, 2005 to:

23 Roberto Pulver
24 Assistant Attorney General
25 1275 W. Washington, CIV/LES
26 Phoenix, Arizona 85007
27 Attorney for the State
28

By: 

#460482